

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 OIC-02

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E.O. 11652: NA

TAGS: OCON, UN, PFOR, SHUM

SUBJ: 5TH UN CONGRESS ON THE PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS: DECLARATION ON TORTURE

REF: A. GENEVA 6818; B. GENEVA 6976

1. SECT IV OF CONGRESS SEPT 11 UNANIMOUSLY ADOPTED AS PART
OF ITS REPORT DRAFT DECLARATION ON TORTURE AND FORWARDED
IT TO PLENARY, WHICH EXPECTED TO APPROVE IT SEPT. 12.
TEXT IS FUNDAMENTALLY THAT CONTAINED IN REF A. ASIDE
FROM A FEW MINOR VERBAL CHANGES, ONLY ALTERATIONS
OF SIGNIFICANCE PERTAINED TO ART. 1 AND ART. 12.
ART. 13 DELETED ENTIRELY. NEW TEXTS OF ART. 1 AND ART.
12 READ AS FOLLOWS:

2. "ART. 1. FOR THE PURPOSE OF THIS DECLARATION, TOR-
TURE MEANS ANY ACT BY WHICH SEVERE PAIN OR SUFFERING,
WHETHER PHYSICAL OR MENTAL, IS INTENTIONALLY INFILCTED
BY OR AT THE INSTIGATION OF A PUBLIC OFFICIAL ON A PER-
SON, FOR SUCH PURPOSES AS OBTAINING FROM HIM OR A THIRD
PERSON INFORMATION OR CONFESSION, PUNISHING HIM FOR AN
ACT HE HAS COMMITTED OR IS SUSPECTED OF HAVING
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COMMITTED, OR INTIMIDATING HIM OR OTHER PERSONS.

IT DOES NOT INCLUDE PAIN OR SUFFERING ARISING
ONLY FROM, INHERENT IN OR INCIDENTAL TO LAWFUL
DEPRIVATION OF LIBERTY TO THE EXTENT CONSISTENT
WITH THE STANDARD MINIMUM RULES FOR THE TREATMENT
OF PRISONERS.

3. TORTURE CONSTITUTES AN AGGRAVATED AND DELIBERATE
FORM OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT.

4. "ARTICLE 12. ANY STATEMENT WHICH IS ESTABLISHED
TO HAVE BEEN MADE AS A RESULT OF TORTURE OR OTHER
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
MAY NOT BE INVOKED AS EVIDENCE AGAINST THE PERSON
CONCERNED IN ANY PROCEEDINGS OR AGAINST ANY OTHER
PERSON IN ANY PROCEEDINGS.ABRAMS

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Disposition History: n/a

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